IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8391 OF 2006

1. Abhyuday Shikshan Mandal & Anr.] .. Petitioners

Versus

1. The State of Maharashtra & 2 ors.] .. Respondents

Mr. N.V. Bandiwadekar for the petitioners.

Mrs. S.S. Bhande, AGP, for the respondents No.1 to 3.

CORAM: S.B. MHASE, &
R.S. MOHITE, JJ.

DATED: 13TH APRIL, 2007

P.C. :

. Heard.

2. The petitioner has become eligible to get a grant in the year 1995. Therefore, as per the Government Resolution of 10th February, 1989, he is entitled to get a further release of a grant as provided in the said Government Resolution i.e. 25% in the next year, 50% in the year following and 75% thereafter and so on. However, that is not granted. The reason for not granting such grant as per the said Scheme is the reliance of the Government on a Government Resolution dated 31st October, 1990 which linked up the grant in

addition to the performance and it is found that the SSC results of the petitioner were not upto the desired marks in 1996-1997 and 1997-1998 and, therefore, further grant was not released by the Government. Specifically, Government Resolution dated 31st October, 1990 is suppressed by the petitioner and, therefore, we decline to entertain the petition. We also find that there is no denial by the petitioner in respect of the performance of the said School and if there is no performance of the Institution then the Government is right in rejecting the grant to the said School. We, therefore, refrain to entertain the Petition and it is disposed of accordingly.

Sd/-
[R.S. MOHITE, J.]

Sd/-
[S.B. MHASE, J.]